



March 3, 2004

**BY OVERNIGHT MAIL**

Ms. Mary L. Cottrell, Secretary  
Department of Telecommunications and Energy  
One South Station, 2<sup>nd</sup> floor  
Boston, MA 02110

Re: Investigation Pursuant to G.L. c. 164 §§ 1A(a), 1B(d), 94 and  
220 C.M.R. § 11.04 into Costs that Should be Included in  
Default Service Rates;  
**Boston Edison Company** **D.T.E. 03-88A**  
**Cambridge Electric Company** **D.T.E. 03-88B**  
**Commonwealth Electric Company** **D.T.E. 03-88C**

Dear Secretary Cottrell:

Please be advised that Fitchburg Gas and Electric Light Company d/b/a "Unitil" ("Unitil") requests permission to withdraw from filing its Petition for Participant Status, submitted yesterday, March 2, 2004, which consolidated its request for participant status in dockets D.T.E. 03-88A, D.T.E. 03-88B, D.T.E. 03-88C, D.T.E. 03-88E and D.T.E. 03-88F in a single document.

Accordingly, enclosed for filing, please find an original and five (5) copies of the Petition for Limited Participation Status filed on behalf of Unitil in the above-referenced dockets. Also enclosed is a Motion Pro Hac Vice on behalf of the undersigned counsel. Kindly date-stamp one copy of the filing and return in the enclosed self-addressed stamped envelope.

Thank you for your attention to this matter.

Sincerely,

Gary Epler

Enclosure

Gary Epler  
Senior Regulatory Counsel

6 Liberty Lane West  
Hampton, NH 03842-1720

Phone: 603-773-6440  
Fax: 603-773-6640  
Email: epler@unitil.com

cc: John J. Geary, Hearing Officer, MDTE  
Joseph Rogers, Assistant Attorney General  
Robert Werlin, Esq.  
John K. Habib, Esq.

	)	
Investigation by the Department of Telecommunications	)	
And Energy on its Own motion, pursuant to G.L. c. 164	)	
§§ 1A(a), 1B(d), 94 and 220 C.M.R. 11.04 into the Costs	)	
that Should Be Included in Default Service Rates for	)	
	)	
Boston Edison Company	)	D.T.E. 03-88A
Cambridge Electric Company	)	D.T.E. 03-88B
Commonwealth Electric Company	)	D.T.E. 03-88C
	)	

Fitchburg Gas and Electric Light Company d/b/a “Unitil” (“Unitil” or the “Company”) submits its petition to the Department of Telecommunications and Energy (“Department”) for limited participation in the above captioned proceedings, pursuant to 220 C.M.R. 1.03(1)(e). In support of its petition, the Company states:

1. Utilis is a “Distribution Company” as defined in G.L. c. 164 § 1 and 220 CMR § 11.02, and, pursuant to 220 CMR § 11.04, has the exclusive obligation to provide Distribution service to all customers within its service territory.
2. In conducting adjudicatory hearing, the Department may “allow any person showing that he may be substantially and specifically affected by the proceeding to intervene as a party in the whole or any portion of the proceeding, and allow any other interested person to participate by presentation of argument orally or in writing, or for any other limited purpose, as the agency may order.” See G.L. c. 30A § 10; 220 CMR 1.03(1)(b).
3. The Order issued by the Department in D.T.E. 03-88 on November 17, 2003 states that, among other things, it was opening separate proceedings for each distribution company to determine (1) the amount of costs to be transferred from base rates to default service rates, and (2) the appropriate adjustment to each rate class’ distribution base rates. In its February 17, 2004 Notices issued in each of the above-captioned proceedings, the Department stated it would review each of the filings made by the distribution companies to determine, among other things, if they are consistent with G.L. c. 164, §§ 1A(a), 1B(d), 94 and 220 C.M.R. 11.04(9)(c), D.T.E. 03-88 and D.T.E. 02-40-B.

4. As a distribution company providing service to customers in Massachusetts, Unnital submits that it may be substantially and specifically affected by any decision of the Department in any of these proceedings. Any of the issues raised in these parallel proceedings may, in turn, be applied to Unitil. No other party can adequately represent Unitil in these proceedings.
5. Unitil submits that its participation in any of these proceedings as a limited participant will not administratively burden the process.
6. Unitil requests that all notices, testimony, pleadings and correspondence pertaining to these proceedings be directed to:

Gary Epler  
Unitil Service Corp.  
6 Liberty Lane West  
Hampton, NH 03842  
(603) 773-6440  
(603) 773-6640 (fax)  
[epler@unitil.com](mailto:epler@unitil.com)

On the basis of the foregoing, Unitil respectfully requests leave to participate in each of the above captioned proceedings as a limited participant.

Respectfully submitted,



Gary Epler  
Senior Regulatory Counsel  
Unitil Service Corp.  
6 Liberty Lane West  
Hampton, NH 03842

Date: March 2, 2004

**THE COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY**

Investigation by the Department of Telecommunications	)	
And Energy on its Own motion, pursuant to G.L. c. 164	)	
§§ 1A(a), 1B(d), 94 and 220 C.M.R. 11.04 into the Costs	)	
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Boston Edison Company	)	D.T.E. 03-88A
Cambridge Electric Company	)	D.T.E. 03-88B
Commonwealth Electric Company	)	D.T.E. 03-88C
	)	

**MOTION FOR ADMISSION PRO HAC VICE**

The undersigned counsel for Fitchburg Gas and Electric Light Company d/b/a/ “Unitil” (“Unitil”), Gary Michael Epler, hereby moves for admission pro hac vice in each of the above captioned proceedings before the Massachusetts Department of Telecommunications and Energy (“Department”), pursuant to 220 CMR 1.02 and 801 CMR 1.01. In support of this motion, Mr. Epler states as follows:

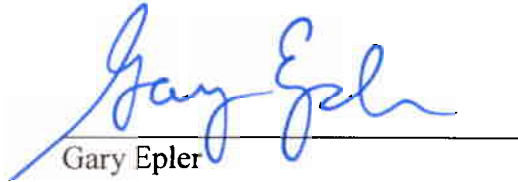
1. Mr. Epler is employed as Senior Regulatory Counsel by Unitil Service Corp., 6 Liberty Lane West, Hampton, New Hampshire, 03842.
2. Mr. Epler is a member in good standing of the New Hampshire, New Jersey, New Mexico (in-active status) and New York bars and is currently admitted to practice before the New Hampshire, New Jersey, New Mexico and New York state courts, the federal district courts located in each of these states, as well as the federal 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, 10<sup>th</sup> and District of Columbia Courts of Appeals. Mr. Epler is in the process of completing and submitting his Application for Admission on Motion to the bar of the Commonwealth of Massachusetts. Mr. Epler is not currently and has never been suspended or disbarred in any jurisdiction and there are no disciplinary proceedings

pending against him in any jurisdiction. He is familiar with the facts of this proceeding for which Unitil shall appear before the Department and agrees to adhere to the Department's rules and orders, and applicable agreements between the parties.

WHEREFORE, Mr. Epler respectfully requests that the Department permit him to appear pro hac vice for the purpose of representing Unitil in these proceedings, and requests further that this motion be deemed to satisfy the requirement of 220 CMR 1.02(7) regarding the filing of an Appearance.

Dated: March 3, 2004

Respectfully submitted,



Gary Epler  
Sr. Regulatory Counsel  
Unitil Service Corp  
6 Liberty Lane West  
Hampton, NH 03842  
(603) 773-6440  
epler@unitil.com

#### **Certificate**

I certify that copies of this Motion Pro Hac Vice has been served this 3rd day of March, via overnight express mail, upon the Massachusetts Office of the Attorney General and counsel for Boston Edison Company, Cambridge Electric Company, and Commonwealth Electric Company.

